

1 (Whereupon, Court was recessed until
2 (June 25, 1984, at which time, the
3 (following proceedings were had out
(of the presence and hearing of the
(jury, to-wit:

4 PROCEEDINGS HAD JUNE 25, 1984 (A.M.)

5 THE COURT: All right, let's see, the last
6 witness we had Friday, what was his name?

7 MR. FULLER: Daryl Beckham, I believe, Your
8 Honor.

9 THE COURT: Beckham,

10 And ya'll had an additional objection. I've
11 listened to the tape. At least, I think ya'll -- at
12 least, ya'll were offered the opportunity to listen to
13 most of it.

14 All right, what other objections do you have?

15 MR. FULLER: Again, Your Honor, we would just
16 re-urge our previous motion to exclude the testimony of
17 any witness testimony that was hypnotically enhanced,
18 It's clear from the record that this witness, none of
19 the guidelines set forth in United States, Valdez was
20 followed at all, rendering that testimony absolutely
21 inadmissible. We object to its admissibility, on those
22 grounds.

23 THE COURT: Does the State have anything they
24 want to offer?

25 MR. BUTLER: Judge, there's no evidence that it

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has been enhanced.

THE COURT: Well, I overrule the objection.

Now, I do caution the State to caution that last witness, because there was some things that he was -- that he said, at least, at the front of the tape, concerning that prior sexual abuse offense, to advise -- caution the witness not to go into that, unless he is specifically asked.

All right, are we ready?

MR. BUTLER: Does that mean unless we specifically ask?

THE COURT: Huh?

MR. BUTLER: Does that mean, unless we specifically ask?

THE COURT: No, Ya'll don't specifically ask.

MR. BUTLER: I just wanted to make sure.

(Whereupon, all parties returned to the courtroom and the trial continued in the presence and hearing of the jury as follows, to-wit:

THE COURT: All right, call your next witness.

MR. BUTLER: Daryl Beckham.

THE COURT: You have already been sworn.

Have a seat, Mr. Beckham.

MR. BUTLER: May we proceed, Your Honor?

THE COURT: Yes, sir.

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DARYL WAYNE BECKHAM

recalled as a witness on behalf of the State of Texas, and having been previously sworn, testified further, as follows, to-wit:

DIRECT EXAMINATION

BY MR. BUTLER:

Q State your name, please.

A Daryl Wayne Beckham.

Q Mr. Beckham, how old are you?

A Thirty years old.

Q Where do you live?

A 1007 South 20th Street, Waco.

Q How are you employed?

A Mercury Tool.

Q How long have you been so employed?

A About a month now.

Q How long have you lived in Waco?

A I've lived in Waco since '72. I work out of town, though, a good bit.

Q Where were you prior to becoming employed with Mercury Tool?

A I was incarcerated in TDC.

Q What were you in TDC for, Mr. Beckham?

A Forgery case, by passing.

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2 Q What kind of a sentence did you receive on that?

3 A Five years.

4 Q All right. Was that the first time you had been in the
5 penitentiary, Mr. Beckham?

6 A No, sir. I had been in once before.

7 Q When was that?

8 A '75, I believe.

9 Q What was that for?

10 A Interstate Transportation of a Stolen Motor Vehicle.

11 Q And what was your sentence on that occasion?

12 A Two and a half years.

13 Q Now, on the Forgery case -- are you on parole right now
14 for that Forgery case?

15 A Mandatory supervision.

16 Q All right. Would you explain what that is, please?

17 A That is when you do all of your sentence, with your
18 good time, they let you out on mandatory supervision,
19 without -- it's not parole, it's mandatory supervision.
20 They let you out, because you have got good time accumu-
21 lated in the penitentiary.

22 Q When did you get arrested for that offense?

23 A December 4, 1982.

24 Q And at that time, were you placed in the McLennan County
25 Jail?

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A No, sir. I was placed in the Waco City Jail for -- on December the 4th. I was transferred to the County on the 5th.

Q When you were transferred to the County Jail, did you have an occasion to meet a David Wayne Spence?

A Yes, sir, I did.

Q Had you known him prior to that?

A No, sir.

Q Had you ever met him?

A No, sir.

Q Is he present in the courtroom today?

A Yes, sir.

Q Would you identify him, please?

A Sitting by the gentleman right there, with the blue suit on.

MR. BUTLER: Your Honor, may the record reflect that the witness has identified the Defendant?

THE COURT: Yes, sir.

BY MR. BUTLER;

Q Now, at that time, Mr. Beckham -- I'm talking about December the 5th of 1982, when you came into the McLennan County Jail -- were you aware that the murders at Speegleville Park or Lake Waco had occurred?

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A No, sir, I was not.

Q Why not?

A I had been working out of town in Oklahoma, at the time, sir.

Q How long were you in Oklahoma?

A For about a year or a year and a half.

Q And when did you return to Waco?

A In November of '82.

Q When was the first time that you heard anything about those murders?

A When David Spence told me about it.

Q How did you meet David Spence in the jail?

A Me and him used to study the Bible together.

Q And how long had you known him when he started telling you about this crime?

A Probably two or three days.

Q What was the first thing he said to you about it, if you recall?

A He said that -- he asked me, did I know about the Speegleville murders, and I said, "No." He said, he was the one that did that, and that he was scared the police was going to find out about it.

Q Did he say why he thought the police was going to find out?

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A Yes, sir. He said that --

Q Now, he said he was worried about the police finding out about it, is that correct?

A Yes, sir.

Q Did he tell you why he had done that?

A Yes, sir, he did.

Q All right. Did he tell you during that conversation?

A Yes, sir, he did.

Q All right. Would you tell the jury what it was that he said that caused it, or what was the reason behind it?

A He said that he knew a guy named "Lucky" Muneer that owned the Rainbow store right up from Cameron Park. And that "Lucky" had a girl friend named Gayle, and that he had rented her an apartment in Waco and one in Dallas and he was supporting her and paying all of the bills and everything. And that Kenneth Franks had moved in on him, and every time he went over to the apartment or anything, Kenneth Franks was always over there, and was trying to move in on him and take over his woman and everything. And he said that he told David that over in his country, it was the custom over there, that whenever someone did that, that you were supposed to do something about it, and that he wanted him to -- he wanted Kenneth Franks and Gayle killed for that.

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Q All right. Did he explain to you why he was the one that was going to do it?

A Why David Spence was?

Q Right. Did David Spence tell you -- did he just do it because he was friends with "Lucky"?

A No, sir. He said that "Lucky" Muneer said that he was going to pay David to do it, and that he would give him enough money to do it. He was going to need somebody to help take care of the situation. And David said he knew of a Mexican guy named Gilbert that would help him. And he said "Lucky" told him he would give him enough money to take care of him, and that he wanted him to tell whoever he got to help him, that it was because of a drug deal that David Spence had done between him and the party they was going to kill, and that way, "Lucky" would not be involved in it.

Q Did the man tell you anything more about it, at that time?

A He said that "Lucky" had told him he was going to get a game room, and that him and his business partner was going to open up a game room, and let David manage it, and he was eventually going to phase his business partner out and bring David in. And David said, you know, he would be set for life, whenever he got in as a

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partner on it.

Q How long were you in the same cell, or in the same cell block with David Spence?

A For about a month and a half.

Q How many times did you talk with him about the killings at the lake?

A Probably seven or eight times.

Q Did he ever tell you anything about -- any details about how the crime itself happened, the way it happened?

A Yes, sir. He said that Gilbert Melendez, he said that he helped him tie the people up, but that he was the one that did the actual killing. And he said that whenever he killed the girls, that they kept hollering and wanting him to stop. And he said it was like another person that obsessed him and came over him, and that he just couldn't stop it, he kept stabbing them, trying to get them to stop from moving and jerking and jumping around.

Q All right. Now, are you telling this in his words?

A In his words.

Q What I want you to do, use his words, as best you can remember them, for the jury.

A Yes, sir. He said that the girls kept jumping around. He said that they kept jumping around and hollering and screaming and jerking and trying to get away and telling

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him to stop and everything, and he kept stabbing them, trying to get them to hush up.

Q All right.

A And he said that he made Kenneth Franks watch him while he was doing all of this. And that he took a stick and rammed up the girls' pussy.

Q That's what he told you?

A Yes, sir.

Q Did he tell you whether or not Gilbert Melendez took part in any of the stabbing?

A No, sir. He said that they -- he just helped tie them up, helped hold them. That's all he told me.

Q Who did he say did all of the stabbing?

A He said that he was the one that did it. He said, "I was the one that did the stabbing and the killing."

Q Did he ever tell you where that happened, Mr. Beckham?

A Yes, sir. He said it was either Cameron Park or Koehne Park, at the time. I can't remember which one it was.

Q Did he say anything else about the park, perhaps?

A Yes, sir. He said that he went back out there the next morning after the killings had taken place, and he went back out there to see if any clues were left for the police, or anything, where that no one could find any-

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thing about it. He said some people had been out there and seen him, and he was scared that whenever the police started gathering information, they would find out it was him.

Q So, he told you that he had gone back the next morning?

A Yes, sir, he did.

Q To that same park?

A Yes, sir. And had been seen there.

Q All right. And it was either Cameron Park or Koehne Park, you don't remember which one he said?

A Yes, sir. That's correct.

Q Did he say anything about whether or not "Lucky" told him what to do with the bodies?

A Yes, sir. He told him to take the bodies out at Speegleville Park, because at Speegleville, David Spence, or "Lucky" Muneer, or any of them, never went out there, they would never suspect them. If they dumped the bodies out there, they would never pin it on them.

Q Did he ever tell you anything about any of the other kids -- either of the other kids that were killed? Did he tell you how that was done, or any of the details regarding that?

A No, sir.

Q Did he ever tell you who it was that was killed?

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A No, sir. He kept referring to it as Gayle, is the one he kept referring to. I later found out it was Jill Montgomery.

Q Did he ever say anything about seeing Gayle somewhere --

A Yes, sir, he did.

Q -- when he was with Gilbert Melendez?

A He said that him and Gilbert Melendez had run into Gayle at a 7-Eleven store. They had got into a real bad argument with them at that 7-Eleven store.

Q Did he tell you when that happened?

A No, sir. He didn't give a specific date on it. He just told me, at that time, that they had run into her at a 7-Eleven store.

Q Now, Mr. Beckham, on these occasions when you were talking to David Spence about the killings, when he was telling you about these killings --

A Yes, sir.

Q -- did you notice any change in him? What was his attitude like, or the way he told you about it?

A Well, whenever we talked about it, to me -- I don't know whether I can describe it right or not -- it was a -- well, it was an emotional change, or what, but he had changed entirely different, from just a person, an everyday person, to someone like that, that you wouldn't know

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what they were going to do next. He was pacing around, rocking back and forth, like he didn't know what he was fixing to do, and just like he was extremely nervous all of the time, real tense, and just like you wouldn't know what to expect out of him next. His eyes were real glossy.

Q Was he that way any time other than when he was talking about the killings at Speegleville Park?

A No, sir. Any other time, he was just an everyday person. Whenever he talked like that, that was the only time you could talk to him about it, is whenever he got into that stage.

Q What caused you to -- or let me rephrase that. Did you approach the authorities to tell them about what you had heard?

A No, sir, I did not. They pulled me down to question me about it.

Q All right. What was their reason for pulling you down?

A Someone had told them that they knew that David Spence had been talking to me about the murders.

Q Okay. Had you ever requested anything on behalf of David Spence?

A Yes, sir, I did. I tried -- when David started telling me about this stuff, I sent a request downstairs and

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asking them to get a psychiatrist or someone up there to help David. Because I thought he was emotionally unstable, or something was wrong with him, the way he was acting, and by the way he was talking, and I was trying to help him.

Q Did he scare you?

A Well, sir, he didn't really scare me in the jail. If I'd been on the street, I would have probably been scared of him. But in the jail, it's set up to where that really can't anything happen to you up there. I wanted to get something done, to try to help him, to where that he wouldn't hurt someone, or someone hurt him one, and where it would kind of help him from being emotionally the way he was.

Q Did it seem like there was something bothering him inside?

A Yes, sir, it did.

Q And it was serious enough that you felt like he needed some help of some kind?

A Yes, sir. There was no other inmate in there that seemed to care anything about him. I sent the request downstairs twice, as a matter of fact, trying to get someone to help him, at this time, because I seen how he was suffering. And no matter who it is, I try to help anyone

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I see suffering that way.

Q You were on the same cell with him, or cell block, for approximately a month and a half, is that correct?

A Yes, sir, I was.

Q And by virtue of that fact, you were with him all day every day, weren't you?

A Yes, sir.

Q Did you ever notice anything unusual about his TV habits?

A Yes, sir. Whenever Three Is Company would come on, he would get right up in front of the TV and stand with his face right in front of the picture, and he would put his hands down in his pants and start rocking back and forth.

Q Now, how far? When you say "right in front of the TV," would you explain for the jury what you mean by that?

A Well, the TV was on a stand and it would be right in front of his face and he was, maybe, a foot in front of the TV, right directly in front of it.

Q Was he standing up or sitting down?

A Standing up.

Q Did he watch any other programs like that?

A No, sir, he did not.

Q How often did he watch that program?

A Every day.

Q Did he ever mention anything to you about who tied the

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kids up?

A Yes, sir. He said that Gilbert Melendez had helped him tie the kids up.

Q Did he tell you anything about what he used to tie them up with?

A Yes, sir. He said that they used the bra and panties to tie the girls with.

Q Did he say what they used to tie the boy?

A No, sir, he did not.

Q Mr. Beckham, when was it that you first told the authorities about this, if you recall?

A Oh, it was in February of '83.

Q When did you get your sentence?

A In December of '82.

Q And what was your sentence, when you got it?

A Five years.

Q Was that sentence ever cut or reduced?

A No, sir. Not in any way.

Q Did you ever get any special favors?

A No, sir, I did not.

Q Did you ever get any kind of deals or promises?

A No, sir.

Q Did you ever think you were going to get anything like that?

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A No, sir.

Q While you were incarcerated in the McLennan County Jail, did you ever hear any kind of rumors, that anybody that would come up with any evidence against David Spence, was going to get a good deal?

A No, sir, I did not.

Q And when did you actually go to TDC?

A March the 1st of '83.

Q Did David Spence ever mention to you whether or not he actually received any money for doing what he did?

A No, sir, he did not.

Q Did he ever mention to you how much money he was supposed to receive?

A No, sir, he did not. He just -- he told me that "Lucky" Muneer had told him he would give him enough money to pay him and to cover whoever that he got to help him do the job. He didn't specify an amount.

Q Did he say anything about what he did with that stick, other than what you have already told the jury?

A No, sir, he did not.

MR. BUTLER: Pass the witness, Judge.

THE COURT: All right, sir.

MR. HUNT: We would like to see his statement.

THE COURT: Let the record reflect that the

1
2 State is tendering the statement of the witness that they
3 have.

4 (Whereupon, Court stood at ease
5 momentarily.)

6 CROSS EXAMINATION

7 BY MR. HUNT:

8 Q Mr. Beckham, I'm Russell Hunt. We have met before, we've
9 not talked before. I want to ask you several questions.
10 And let's start with the questions that I have from
11 your testimony. Mr. Butler, in one of his last questions
12 to you, asked you if David told you anything else about
13 what he did with the stick. I wasn't sure whether you
14 understood that to mean what he did with the stick, in
15 that whether he threw the stick away, or whether he did
16 anything else with the stick, like abuse the girls with
17 the stick. Can you tell me if he told you anything else
18 about the stick?

19 A No, sir, he did not.

20 Q Did he tell you anything else, other than what you have
21 just said about the lake murders?

22 A It has been a long time, and every word that he said,
23 you know, I might not be able to remember every word.

24 Q Okay. Let me ask you --

25 A That's what I can remember of it.

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Q Let me ask you about two or three things that are in your statement. The statement was given to the police in September of 1983, is that correct?

A Yes, sir.

Q If I ask you about something out of your statement and you don't remember it, I will be glad to give you the statement, so you can read it, okay?

A Yes, sir. Okay.

Q All right. The first thing that you said in your statement was, that David told you that Deeb told him that every time he went to the apartment, Gayle and Kenneth was there, is that correct?

A Yes, sir.

Q Is that accurate? Or would it be more accurate to say the number of times that Deeb went to that apartment and found Kenneth there?

A He said, "Every time."

Q Okay. And he also said that Deeb rented Gayle an apartment in Dallas, is that correct?

A Yes, sir.

Q Okay. Now, in your statement, you make reference to the fact that David killed the kids, after Gilbert tied them up, is that correct?

A Yes, sir. Gilbert had helped tie them up.

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Q Okay. Did he say anything about Anthony?

A No, sir, he did not.

Q He didn't say anything about Anthony being there?

A No, sir, he did not.

Q Okay. Do you know Anthony Melendez to be Gilbert Melendez's brother?

A Yes, sir. I do know that.

Q Okay. And do you also know that there are four people that are indicted, and that is Muneer Deeb, Gilbert Melendez, Anthony Melendez and David, is that correct?

A Yes, sir, I do.

Q Okay. In your statement, you also said that David said that he transported the bodies by car to Speegleville Park. Is that what he said?

A Yes, sir.

Q Did he give you any details about that, or did he just say, that we transported the bodies to Speegleville Park?

A He said they transported the bodies to Speegleville Park in one car, and that his old lady followed them in another car.

Q Okay. Did he say which cars it was?

A No, sir.

Q Okay. Did he tell you how he got into Speegleville Park?

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A No, sir, he did not.

Q Just didn't say anything about it?

A No, sir. I never questioned David. When David was talking to me and everything, I never went into any details about it. He was in an emotionally tight situation, where that I didn't want to make him suffer any more than he already was.

Q You just wanted to help him, is that what you're saying?

A Yes, sir.

Q Okay. He didn't give you any details about how either car got into the park?

A No, sir.

Q Did he tell you anything about Deeb telling him that he wanted the bodies put in any kind of special way in the park?

A No, sir.

Q Did he tell you why the bodies weren't dumped together in the park?

A No, sir, he did not.

Q Okay. Did he tell you anybody else that was involved in this, other than himself, Gilbert, and his old lady?

A No, sir, he did not.

Q Did he tell you the name of his old lady? Was is Christine Juhl?

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A Later -- later on I found out that it was Christy that was his old lady, but he never said Christy. David --

Q How did you find out that it was Christy?

A He had talked with her on the phone, David had, later on. And had found out she was dancing up here at a club. He told me then that her name was Christy.

Q So, David told you her name was Christy?

A Yes. Later on. While he was telling me about that, he referred to her as "his old lady," is all.

Q Okay. You don't remember him saying anything else about the stabbings?

A No, sir.

Q Did he say anything, specifically, about beating the kids with a stick?

A No, sir, he did not.

Q Did he say anything at all about any other form of torture?

A No. He just said that he kept stabbing the girls whenever they kept trying to get away from him and kept jerking and trying to get him to stop. And he said something possessed him, like something came over him.

Q Okay. You said that -- I think, in your testimony -- that they were jumping around, hollering and screaming. Is that what you said?

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A Yes, sir.

Q Okay. Did David say anything about being alarmed that somebody might hear the girls screaming?

A No, sir.

Q He didn't say anything about that?

A Not at that time, no, sir.

Q Did he, at any other time?

A No, sir.

Q Did he ever?

A No, sir.

Q Okay. Did he say that the girls were screaming and the screaming bothered him?

A He said that, whenever they was jumping around and screaming and hollering, that he wanted to try to shut them up, that that's why he kept stabbing them, and kept stabbing them.

Q So nobody would hear them?

A He didn't say whether it was that or not. It's just like he was there doing it, at that time. He was just -- David was just in, just like he was participating in it again.

Q In a trance, or something, does that sound right?

A Yes, sir.

Q Okay. He said they were jumping around?

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A Yes, sir. You know, jerking around with their bodies, is what he was saying.

Q Jerking around?

A Yes.

Q Did he describe his position? Were they standing? Was he on top of them? What was happening?

A No, sir, he didn't describe it.

Q Just didn't describe it. Okay. What did he say that Gilbert was doing, when he was supposed to be doing all of the killing?

A He didn't say. He just said that Gilbert helped him hold the bodies.

Q Gilbert helped him hold the bodies?

A Yes, sir. Helped tie them up, and helped hold them.

Q Did he describe how that it was? I'm sorry.

A He said that he helped tie them up and hold them.

Q Helped tie them up and hold them?

A Yes, sir.

Q Okay. Did he describe how he tied them?

A No, sir, he didn't.

Q Now, you said that he said that he tied them up with bra and panties, is that correct?

A Yes, sir. The girls.

Q Okay. Did he describe anything else that he used to tie

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them up?

A No, sir.

Q Have you ever seen the pictures?

A No, sir.

Q You've never seen the pictures?

A Not the pictures of that. I've seen a couple of pictures of them.

Q Where did you see the pictures?

A Over at the District Attorney's Office.

Q When was that?

A When I was brought back up on a bench warrant.

Q When were you bench warranted up?

A In September of '83.

Q Okay. Why were you bench warranted up?

A Because of the Speegleville murders.

Q Did somebody go to TDC and talk to you at TDC?

A No, sir.

Q How did they know to bring you back up here on a bench warrant?

A They brought me back up here because of information I had given them before.

Q When did you give them the information before?

A When I talked to Truman Simons before.

Q Up here in the County Jail?

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A Yes, sir.

Q Talked to Truman up here, gave them information, and then they bench warranted you back up here in September of '83?

A Yes, sir. I would have to be correct on September. It might have been October, but it was October or September.

Q Well, your statement is dated September the 28th of 1983. Does that help you?

A That was whenever I gave the statement. I was up here for a couple of months, or a month and a half, something of this nature.

Q From when until when?

A Let me remember just a second. From around September -- the first of September until the middle of October.

Q You testified before the Grand Jury?

A No, sir, I did not.

Q Is there some special reason why you were up here for a month and a half while you were giving your statement?

A No, sir, not that I know of.

Q Just up here for a month and a half?

A Yes, sir.

Q Were you released from here, or did you go back down to TDC?

A Went back to TDC.

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Q Okay. Then, how long after that was it before you were released?

A I was released on May the 15th of this year.

Q Okay. You said that David told you that he and Gilbert got into a real bad argument with somebody. Who was the real bad argument with?

A With Gayle.

Q Gayle Kelley.

A He said it was Gayle. He never did say Gayle Kelley, he just said Gayle.

Q Were those his words, that he got in a "real bad argument"? Didn't give you any details of the argument?

A No, sir. He said that they went to the 7-Eleven store and Gayle was there, and that they got in a real bad argument with her.

Q Okay. I guess that she would be the best person to describe the real bad argument?

A Yes, sir. I guess so.

Q Okay. Now, I would like to know, firstly, something about your relationship with David in the tank. And, perhaps, it would be a good idea to give the jury an indication of what we're talking about, when we're talking about the quarters where ya'll were housed, okay?

A Okay.

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Q Was it in the new jail or the old jail?

A New jail.

Q Okay. What cell were you in?

A I was in one lower.

Q What does that mean, "one lower"?

A You've got two tiers on the fourth floor. There's one floor on the bottom, and then you've got a stairway that you have to go up to the top. I believe there's 18 cells on the bottom and 18 on the top, little small cubicles that you sleep in.

Q Do they share a common dayroom?

A Yes, sir.

Q Why don't we do this -- okay, a fresh sheet of paper. What I would like for you to do, is take one of the Magic Markers that's there on the rail, go up there and draw a diagram, in as large a manner as possible, to show us the layout. And probably a bird's-eye view would be as good as anything else. A layout of the area there where you were, to show the cells and the common area called the "dayroom." And since I will be talking to you later about the television set, you might as well include that in there, too. Go on up there and draw that, if you will, please.

A Okay. Okay, I'm just giving you a for instance on this.

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This was two rows of cells here. Had about four or five cells on top and bottom here. David is up at the top up here, on the top tier. I believe it was number five, I'm not sure exactly what the cell number was, but it was four or five.

Q Why don't you go ahead and label that, then, if you would. Go ahead and put "David's cell."

A (Writing on diagram.)

Q Okay. Go ahead.

A David slept up here on top, which is four or five. I slept on the bottom here. They had a corner, after about the fifth cell, that ran across to here, with another number of cells, and then came back around on the wall. And from all of these cells where they're grouped in, there is a big dayroom right here in the front. Okay, the TV, from the wall -- there is a center wall ran between this corner right here, that came down and petitioned some of these off. At that point on that wall, the TV was right here. Out here was picnic tables, where we all sat, like this right here.

Q Okay. Good. Now, why don't you take the red Magic Marker up there and show where that corner is. Just draw a line down there, and that way, we've got an idea, a little bit better perspective.

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Q Okay. There were two corners on it -- which was in between this wall here, we'll say, right here. There. And, then, there was another corner -- I'm just giving you a for instance on this.

Q Okay.

A Because I'm not good as an artist, or anything. On each side of this wall, there was a wall there, and then the corners were before it got to the wall. It turned, and there was about three cells right in here in between the TV wall.

Q All right.

A There's a restroom sitting right there at the top.

Q Where is the stairs?

A The stairs is going right up beside of this wall right here from where the TV was located at. Right up by the side by the restroom.

Q Okay.

A And, then, you could turn and go down and walk this way. And on this side of the wall, you turn and walk down the walkway on this side, back around like this.

Q Now, where are the monitors? Are there monitors, where the jailers can watch all of the inmates?

A Yes, sir. The TV was sitting right here. They had a monitor that was right over here in this corner.

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Q Go ahead and put a big M for monitor, if you would, please.

A Okay. It came down from the ceiling. Or it came on -- it was on a post. It was over in this vicinity here. Exactly putting it somewhere, would be, I would say, it would be right in there somewhere. I know it was on that side of the cell.

Q Okay. Were there also speakers, where the guards could listen to what was being said?

A Yes, sir, there were.

Q Where were they?

A They were all -- when they would broadcast, there were some speakers running across the tiers, on the bottom of the tiers here, here. On every tier, there was a speaker at the top of the tier. And, then, in the day-room, there was a couple of speakers in the top of the dayroom, where they could tell you to come out for chow, or whatever they wanted to do that way.

Q Could the guards also listen to what was being said?

A I don't know if they could listen or not. I know they had speakers in there.

Q Did they ever tell you that they heard anything you said?

A No, sir, did not.

Q Normally, there in that area, did the inmates pair off

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into groups or cliques to do things?

A Well, yes, sir. Most of the time they did, just the way anybody else does. People with certain lifestyles, I guess, kind of hang together that way. I never participate with too many people anywhere I'm at, maybe two or three people, at the most, maybe four. I kind of stay to myself a lot.

Q Who was in your clique?

A Well, I didn't really have a clique, as you would call. I had some friends I associated with.

Q Okay. Who was in that group of friends?

A Me and David Spence, uh --

Q Let's put the names. Let's take one of the Magic Markers. Looked like one was running out of ink, or something. Go on, up there at the top, you've got room. Go ahead and put the people that you associated with. What's that last name? Willie what?

A Willie Montgomery.

Q Okay. These are your close friends, right?

A They're friends I associated with in the County Jail; yes, sir. That's about the ones right there that I associated with.

Q Did ya'll play cards together?

A Yes, sir, we did.

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Q Did you take four to play cards?

A Yes, sir. Most of the time we do, we played spades.

Q Who were the four?

A Me, Willie Montgomery, and --

Q Put your name down there on the list, too.

A There was another guy that was in there that I associated with, but I can't remember his name right now. It was a black man out of Fort Worth.

Q Any of these other people, Willie, or Wilbert, did they hear David's alleged confessions and statements to you?

A Yes, sir. Willie Montgomery told me, you know, at one time, he said that he had heard David say something about it once before to me.

Q He heard him say something to you?

A Yes, sir.

Q Is that what he said? So, does that mean that there in the dayroom, David was supposed to be telling you all of this stuff in the dayroom?

A Yes, sir. See, we have a window that we went over by most of the time. People go over there in two or three. People would go over there, and their conversations, if they kind of wanted to be private.

Q Why would they go by the window?

A Because everyone knew that everybody that wanted to talk

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by themself, would go over by the window.

Q Why?

A Privacy.

Q Why?

A Where everybody couldn't hear what they were saying.

Q Privacy from the other inmates, or privacy from the guards?

A Privacy from everybody.

Q Both inmates and guards?

A Yes, sir. It wasn't sealed off. No, sir, it wasn't sealed off.

Q Okay. So, otherwise, if you were out in the common area, you wouldn't talk about something like that, would you?

A No, sir.

Q If you had killed somebody, you sure wouldn't talk about it out in the dayroom in front of a bunch of other people, would you?

A No, sir. But --

Q You wouldn't do it, if you were, let's say, for instance --

MR. FEAZELL: Objection, Your Honor. He's not letting the witness finish his answers.

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BY MR. HUNT:

Q Do you have something else to add to that?

A Yes, sir.

Q Go ahead and add it.

A With that, on that, I --

Q With what, on what? I'm sorry.

A Okay. You're saying that you wouldn't do that out in public that way.

Q That's right.

A Okay. The window that we're talking about over there, the TV area, the dayroom that we had, exactly how big it was, I can't describe in feet, but it wasn't that big.-- but it wasn't that big.

Q Okay.

A And the picnic tables, the closest one -- I'll say, the picnic table -- the close picnic table was here -- the window would be over there about where the door is.

Q Okay.

A And conversation in there, you could hear conversations just about over the whole thing, no matter where you're at.

Q Okay. How loud is the television set?

A It was at different levels. Whoever was in there, if they wanted it loud, or soft. It was just however anybody

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wanted to listen to it.

Q Did the inmates have the controls on the television set?

A Yes, sir, they did.

Q Okay.

A The inmate was the one that had the TV in there.

Q All right. Now, tell me where your conversations, or your alleged conversations with David Spence took place.

A Okay. They were at the window. Me and him would either go over to the window, or would be by my cell. Or he would be in his cell up there talking, and I would be standing in the door.

Q Okay. Did you and David have frequent conversations in private?

A I don't know about frequent. I would say a lot of times we would. David had a lot of problems and stuff, and he would go up to his room and want to talk, and I would go up there and talk with him.

Q Okay.

A Try to help him out that way.

Q And you would confide with him, is that right?

A Yes, sir.

Q Okay. Now, tell me again when you first started talking to David. I understand that you were transferred into the County on December the 5th of '82, is that right?

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A Yes.

Q Okay. Did you go immediately into an area -- you can have a seat -- did you go immediately into an area with David?

A No, sir, I did not.

Q Okay. When did you first get into the same area with David?

A About the middle of January.

Q Okay. So, your first conversations with David Spence were sometime around mid-January?

A Yes, sir, they were.

Q Okay. How long after you first got into that area did you have a conversation with David Spence?

A Are you talking about just a conversation to talk with him?

Q No. I'm talking specifically about the lake murders.

A About three or four days.

Q Three or four days after?

A Yes, sir.

Q Is that when he told you for the first time --

A Yes, sir.

Q -- allegedly, that he had killed somebody?

A Yes, sir.

Q Okay. Then, you're saying that your conversations

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continued for what period of time?

A Aw, for about -- about the Speegleville murders, for about two or three weeks.

Q Was James Jordan in that cell, too, or in that area?

A He was in that area later on. He didn't come in until about mid-February, or somewhere in there.

Q Didn't come in until mid-February?

A He didn't come into that cell block until mid-February.

Q Okay. Did David ever talk to him about the lake murders?

A Yes, sir. Whenever David started to hanging around with James Jordan and another guy named Thornton, they were right up next to his cell.

Q Uh-huh.

A And they would go up there and share the commissary, and stuff of this nature.

Q Uh-huh. Did David tell them about it? Do you know?

A I don't know.

Q Okay. Okay. So, your conversations continued from January the 15th, approximately, of '83, until what?

A Until sometime around the first part of February. First to the middle part of February.

Q Okay. Was it the middle part or the first part?

A Well, sir, to say exact dates on that two years ago, it would be kind of hard to do. I wouldn't want to say

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specifically a date on it that we stopped talking about it.

Q Would it have been later than the middle of February?

A No, sir. It wouldn't have been later than the middle of February.

Q Sometime between the 15th of January and the first day -- the 15th of February -- you were supposed to have had these conversations with David?

A Yes, sir.

Q Okay. Prior to that time, you had never heard the rumors about Truman Simons looking for information in the jail?

A No, sir.

Q Weren't aware of anybody being called out of their cell to talk to Truman Simons?

A No, sir.

Q Nobody at all?

A No, sir. I stayed to myself, as I said, in there. I had already got my time, I was just waiting to go to TDC, whenever they got my paperwork processed and everything.

Q Anybody in the cell get special favors for anything?

A No, sir.

Q Nobody got any extra rations?

A No, sir. No, sir. Not at all.

Q Nobody in the cell had the ability to get somebody out of the cell, if that person was causing trouble, just by

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calling a special phone number?

A No, sir. Not that I know of.

Q None of those things happened?

A No, sir.

Q Okay. Are you telling the jury that the first time you ever heard of the lake murders, is when you heard it from Spence?

A Yes, sir. That is true.

Q When is the first time you talked to Truman Simons?

A It was in February. About the middle part, somewhere around the middle part of February.

Q Okay. I want to know how that happened. How did you happen to talk to Truman Simons?

A Someone had told Truman that I knew something about the Speegleville murders, and he had called me down to talk to me about it.

Q Do you know who told him?

A No, sir.

Q When you first talked to Truman Simons, had Spence already talked to you about the lake murders?

A Yes, sir, he had.

Q Okay. Did you tell Truman Simons, at that time, that Spence had, and everything that he told you?

A Yes, sir.

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Q Okay. Did Truman just say, that's nice, thank you very much, and send you back to your cell?

A Yes, sir. He said, what I had there might help them a good bit.

Q Okay. Did he tell you he wanted any other information?

A No, sir, he did not. I told him, at that time, that I wasn't helping him for me, or for anyone else, that I was trying to help David Spence. That they had already -- he had been up there already and no one had helped him and they wasn't trying to help him. And that the only reason I was doing anything, or cooperating with him, was to try to help David.

Q You were just trying to help him?

A Yes, sir.

Q Was James Jordan in there by that time?

A No, sir. He wasn't in there, at that time.

Q That was before James Jordan came in?

A Yes, sir, it was.

Q Okay. Was Russell Black in there, at that time?

A No, sir. Russell Black was on another floor.

Q Okay. Was Jennings up there, at that time?

A No, sir.

Q None of them were in there?

A No, sir. Not on the fourth floor.

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Q Okay. Sometime -- did you have any more than one conversation with Truman Simons?

A No, sir.

Q Just the one conversation?

A Yes, sir.

Q Did Truman ask you if you were going to be willing to testify later?

A Yes, sir. He asked me if I would help cooperate with them and testify later on, if they needed me.

Q Did you have any conversations with David Spence after that conversation with Truman?

A I talked with David.

Q About the lake murders?

A No, sir. He never did talk with me much about that, at all.

Q So, you're saying that all of the information about David Spence, at that time, you had up to that conversation with Truman Simons, and you didn't gain any more information from David Spence about the lake murders after that conversation with Truman Simons, is that correct?

A That's correct.

Q Okay. No more information?

A Yes, sir. That's correct.

Q Okay. Sometime after -- I assume, after you talked with

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Truman Simons -- you underwent hypnosis with Bob Prince of the Texas Rangers, is that correct?

A Yes, sir, I did.

Q Okay. When was that?

A Sometime in the first part of February.

Q Okay.

A First to middle part.

Q Is there anything in particular that would make you remember when that was?

A No, sir, not really.

Q How about your wife having a baby?

A Yes, sir. She did have a baby that night.

Q That night that you underwent hypnosis, your wife had a baby?

A Yes, sir.

Q Would that maybe call your attention to the fact --

A Yes, sir.

Q -- that that was the date?

A Yes, sir.

Q Can you tell us what the date was?

A February the 8th.

Q February the 8th?

A Yes, sir.

Q Okay. Now, in the tape recording that was made of that

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hypnosis session, you made reference to a couple of more things than you have testified to today. Do you remember what they were?

A Yes, sir.

Q Did you, in fact, on the tape recording, say something about Gilbert Melendez having beaten the girls on the night that they did this?

A I cannot remember, sir.

Q Did you say anything about the girls being beaten at all?

A I cannot remember. I don't believe I did, but I can't remember for sure.

Q Did Spence tell you anything about either Gilbert Melendez or David beating the girls on the night that this happened?

A No, sir.

Q He didn't say that?

A Not that I can remember.

Q Just don't remember anything like that?

A No, sir.

Q Can't remember whether you told Bob Prince that or not, is that right?

A I didn't tell him that; no.

Q You didn't tell Bob Prince --

A No, sir.

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Q -- that either of them had beaten the girls?

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A Right.

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Q Okay.

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A It has been a long time on that. It has been a bunch of time.

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Q Are you saying that, well, maybe you told him? I don't want to put words in your mouth, I want the truth.

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A No, sir. I didn't tell him.

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Q You didn't tell him?

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A No, sir.

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Q Okay.

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A What I was trying to say on that is, when someone talks with you several different times on that, every little detail that they say, it's kind of hard to remember after two years, if you haven't just sat down and more or less read a book on it, or something of this nature. And I haven't did that.

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Q I'm sure that's right. Were you aware of any newspaper coverage on the lake murders?

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A Since that time; yes. Since I have been incarcerated in TDC; yes.

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Q Okay. You said that when the lake murders happened, you were in Oklahoma?

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A Yes, sir.

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Q Okay. Now, the prisoners that are there in the County Jail, have full access to the television, with certain restrictions, I assume, is that correct?

A Yes, sir.

Q What kind of restrictions are they?

A Goes off at 10:30 at nighttime.

Q Okay.

A Yes, sir.

Q They certainly can watch the news?

A Yes, sir.

Q Did prisoners in the County Jail have access to newspapers?

A They can't get a newspaper in there; no, sir.

Q Can you buy a newspaper in the commissary?

A Yes, sir. Yes, sir, you can.

Q But you just can't take it into the room? Or what can you do with it?

A I have been in the old county and I've been in the new county. There has been different deviations to what you can buy in the commissary and what you can't. I know in the old county, you can buy a newspaper from over there, the last time I was up here. But the new county, I never bought one, I never seen anybody with one there.

Q So, you don't know?

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A The guards can bring a newspaper and let someone have it, I guess.

Q Okay.

A Or whatever.

Q Okay. So, that, knowledge that's common on the streets, could be expected to be common in the jail. Is that a fair statement? If it's in the news and in the newspaper, and on the television, on the street, then, it's also in the news --

A Yes, sir.

Q -- and on the television in the jail, is that correct?

A Yes, sir. That would be correct.

Q Okay. Do you know of any other inmates that were shown pictures of the victims, or anything about the victims?

A No, sir.

Q When you had your hypnosis session, did you go from there to see your wife and baby? Or how did they work that? Were you able to see your baby then?

A Yes, sir. The reason that I went over there was, the doctor had called and said that my wife had to have surgery and they needed me to sign some papers, to release, to where that they could do surgery on her.

Q Okay.

A And I had to go sign papers for that.

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Q And when was that?

A When was it?

Q Yeah.

A It was the night -- the same night I was hypnotized.

Q Was it after you were hypnotized?

A Yes, sir.

Q Okay. So, then, they transported you where?

A From when? From the time I left?

Q Did they take you to the jail from the --

A Yes, sir, they did.

Q Where was the hypnosis session?

A It was at Fort Fisher.

Q Okay. Then they transported you to the hospital, where you signed some papers?

A Yes, sir,

Q Then where did you go?

A I went to the County Jail.

Q Went back to the County Jail?

A Yes, sir, I did.

Q Okay. Did you ever see David come back crying after being interrogated, because of -- by Truman Simons, because of the lake murders?

A No, sir. I never did see him come back up crying.

Q Did you ever hear him crying in his cell?

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A Yes, sir, I have.

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Q After being interrogated, because of the lake murders?

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A Not after his being interrogated about it. I've seen
him -- as I said, whenever he was in that emotional
stage, he was crying some, at that time.

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Q David would do a lot of crying in the jail?

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A Yes, sir.

8

Q Is that correct?

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A Yes, sir. When he got into the emotional stage,

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Q Okay. Did you ever see -- were you in the same cell
area with Jennings, when Jennings was there?

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A No, sir.

13

Q Jennings just was never in the same cell area with you?

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A No, sir. Down on the -- I was on the fourth floor --
up on the fourth floor.

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Q How about Puryear? Were you in with Puryear?

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A No, sir, I was not.

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Q Okay. You were with Jordan for some short period of
time?

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A Yes, sir. I was up on the fourth floor. The thing about
the fourth floor is, when you get sentenced, they put
people over in there to go to TDC. They have the jail
kind of sectioned off. Whenever you come in, they kind
of -- I guess they have got a book down there, where they

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tell the serious of your crime, and what floor to put you on, and stuff of this nature.

Q Okay. So, you were up there with Jordan for awhile?

A Yes, sir. After he got sentenced, he came over there to catch the chain, the same way as I did.

Q Okay. And you're not aware of any promises or special favors that were made to any inmate?

A No, sir, I'm not.

Q Okay. And you never heard that rumor, if there was a rumor?

A No.

MR. FEAZELL: Your Honor, I'm going to object. This is about the 8th time.

THE COURT: Well, I sustain the objection.

MR. FEAZELL: Thank you, Your Honor.

BY MR. HUNT:

Q Were you aware of David having problems with Christy, at that time?

A Yes, sir, I was.

Q Okay. So, that, you were aware that he was also extremely upset about that, at that time, is that correct?

A Yes, sir. After -- at that time, whenever --

Q I think that the answer to my question is "yes, sir." I

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didn't ask for an explanation.

MR. BUTLER: Judge, if he's going to ask a question, let the witness go ahead and answer it.

THE COURT: Go ahead and answer the question that he asked.

A Yes, sir. I was aware about that, after he had told me about the Speegleville murders. From about the middle of February --

Q I think you have answered my question, all right.

THE COURT: Let him finish answering the question.

Have you --

MR. HUNT: Your Honor, he has answered the question. He said, yes, he was, and then he gave an explanation.

THE COURT: He can explain the answer, if he needs to.

BY MR. HUNT:

Q Do you need to explain your answer?

A Yes, sir, I feel I do.

Q Okay. Go ahead and explain.

A Okay. Whenever he had already talkéd to me about the Speegleville murders, his wife had been dancing at clubs, and stuff of this nature, and he was emotionally

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upset. Not emotionally, angry upset with her, I'll say that, for her doing this.

Q I didn't understand that. He was not angry, or he was angry?

A He was angry. Every time, whenever he would get off of the phone after he had found out about her, he was in a hatred -- more or less a hatred state against her.

Q Extremely upset?

A Yes, sir.

Q Okay. Angry?

A Yes, sir.

Q Okay. How about Dino Limon? Was he in there then?

A No, sir. I never heard that name.

Q How about Lance Minnix?

A No, sir.

Q I'm sorry. Tell me again when you talked to Truman about it. What was the date?

A It was the -- from the first of February, to the middle part, somewhere in there. Exactly the date, I do not know.

Q Okay. And your testimony is, that Truman didn't make you any kind of a deal?

A No, sir, he did not.

Q No kind at all?

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A No, sir.

MR. FEAZELL: Objection, Your Honor.

THE COURT: Sustained. Repetitious.

BY MR. HUNT:

Q When you came back, who did you talk to?

A When I came back?

Q Yeah. In September of 1983?

A I talked with Mr. Butler.

Q Where was that?

A In the D.A.'s Office.

Q Tell me how you happened to see the pictures?

A Well, I was talking about the murders, and I didn't want -- I wasn't wanting to say anything about it. And Mr. Butler told me, he said, "Do you think anyone that would do something like this, needs to not be punished for it?" He said, "We need to try to get some information, to try to get someone to help us on this thing, to try to get this thing cleared up, so we can get somebody like this off of the street."

Q Okay.

A And he showed me the pictures. He showed me how brutally it was.

Q Which pictures did he show you?

A He showed me a picture of Kenneth Franks, one of Jill

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Montgomery, and one of Raylene Rice,

Q Okay. Just one picture?

A Yes, sir.

Q Okay.

A Well, he showed me three pictures, one of each.

Q Okay. Showing you how brutal the crime was?

A Yes, sir, he did.

Q I assume that you pled guilty, you did not have a jury trial, is that correct?

A Yes, sir. I pled guilty.

Q And what did you plead to?

A Forgery by Passing,

Q Okay. Was that enhanced?

A No, sir.

Q With your prior felony conviction?

A No, sir.

Q So, your testimony to the jury is, as you sit there, you have two felony convictions, is that correct?

A I had one prior felony conviction, at that time; yes, sir.

Q Okay. So, now you've got two, is that correct?

A Yes, sir.

Q Both of them for a form of theft, either forgery by passing --

A Yes, sir.

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Q -- or some other form of theft?

A Yes, sir. That's right.

MR. HUNT: We'll pass the witness, Your Honor.

REDIRECT EXAMINATION

BY MR. BUTLER:

Q Mr. Beckham, you told Mr. Hunt that you were here for approximately a month and a half or two months, September and October of 1983?

A Yes, sir.

Q And, then, you went back to TDC?

A Yes, sir.

Q Would you tell the jury why you went back to TDC?

A Yes, sir. Because I wanted to get back.

Q Why did you want to go back?

A Because I had been sitting up here for so long, my wife was coming up here, I wasn't able to see her, I wasn't able to visit her or do anything, and I felt like, if I went back to TDC, I would get out faster down there. I couldn't get out, as long as I was up here.

Q So, you went back down there, because you would be able to get out faster down there?

A Yes, sir.

Q By serving your time down there, than you could sitting here?

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2 A Yes, sir. That's correct. At that time, I was -- I
3 believe I was a trusty, class four, and if I would have
4 made class two trusty, I could get more good time down
5 there.

6 Q Okay. You weren't able to do that here, were you?

7 A No, sir, I was not.

8 Q As a matter of fact, isn't it true, that you asked us
9 to help you make that trusty and get that time?

10 A Yes, sir, I did.

11 Q And we explained to you we could not do that?

12 A Yes, sir. That's right. You said you could not help me
13 in any way.

14 Q And, so, you chose to go back down there, so that you
15 could get your time?

16 A Yes, sir, I did.

17 MR. BUTLER: Pass the witness.

18 REXCROSS EXAMINATION

19 BY MR. HUNT:

20 Q Okay, tell me when you came back to McLennan County in
21 September?

22 A September?

23 Q Yeah. As you were bench warranted in September of '83,
24 when did you get back?

25 A I came back in around the first part of September.

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Q First part of September?

A Yes, sir. First to the middle part. The exact date, I don't know.

Q When did you first give your statement? Did you give it the same day it was typed?

A Yes, sir, I did.

Q Okay. Then, you were here from the first day of September, approximately the first part of September, until September the 28th, when you gave your statement. Then, when did you go back down to TDC?

A Around the middle of October.

Q Okay. All right.

MR. HUNT: I think that's all we have got now.

THE COURT: Any other questions?

MR. BUTLER: No, Your Honor.

THE COURT: All right.

You may step down, Mr. Beckham.

May this witness be excused?

MR. BUTLER: We have no objections, Your Honor.

MR. HUNT: We're going to need him, Your Honor.

THE COURT: All right.

I'm not going to release you from your

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2 subpoena, you're still under your subpoena. But I will
3 allow you to leave the Courthouse, and you can advise
4 the State's attorney where they can get in contact with
5 you, so if it's necessary that you be recalled, that you
6 can be contacted and returned back to the Courthouse.

7 THE WITNESS: Yes, sir, Judge.

8 MR. HUNT: May I approach the Bench, Your
9 Honor.

10 THE COURT: Yes, sir.

11 (Whereupon, Counsel for the State
12 (and Counsel for the Defense
13 (approached the Bench and an off the
14 (record discussion was had out of the
15 (hearing of the Reporter

16 THE COURT: Ladies and Gentlemen of the Jury,
17 it's necessary that the Court take up some matters
18 outside the presence and the hearing of the jury, for
19 approximately 30 minutes. So, I'm going to recess you,
20 and I'm going to recess you for 30 minutes. It's 10:20.
21 You're excused. Thank you very much.

22 Everyone else remain seated and let the jury
23 clear the courtroom.

24 (Whereupon, a recess was had, follow-
25 (ing which, the trial continued as
(follows, to-wit:

26 THE COURT: All right, Ladies and Gentlemen of
27 the Jury, it's going to take us about 30 or 35 minutes

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